IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10261 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DEVABHAI AMARSHIBHAI

Versus

LABOUR OFFICER

Appearance:

1. Special Civil Application No. 10261 of 2004

MS MAMTA R VYAS for Petitioner No. 1-2

MS NANDINI JOSHI, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 02/12/2004

ORAL JUDGEMENT

Rule. Ms.Nandini Joshi, learned AGP waives service of notice of rule on behalf of the respondents.

At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. The present petition is filed with the grievance that though the Labour Court passed the award on 1st March 2000 directing reinstatement of the petitioner with 40 per cent backwages, so far neither the order of reinstatement of the petitioner has been carried out nor backwages paid to him. Learned AGP points out that against the award dated 1.3.2000, respondent No.2 has filed application for setting aside the ex-parte award and the said application is pending. She submits that the said application was filed on 5.7.2002.

3. Considering the situation, it is provided that respondent No.2 shall approach the Labour Court concerned for early disposal of the said application. The petitioner shall also cooperate in the efforts. I am sure, if respondent No.2 approaches the Labour Court for early disposal of the application, the Labour Court shall try to dispose of the same as expeditiously as possible.

4. As noted earlier, the award was passed on 1st March 2000. So far, the petitioner has not received any benefits under the said award. Considering these facts, it is provided that if within a period of three months from today, respondent No.2 either fails to get restoration application allowed or fails to obtain any stay against the award dated 1.3.2000, reinstatement of the petitioner at least shall be carried out without any further delay subject, of course to the outcome of the litigation.

5. With these directions, the petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

Direct service to respondent No.2 is permitted.

(Akil Kureshi, J.)
(vjn)